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**AFFIDAVIT IN SUPPORT OF APPLICATION
FOR ISSUANCE OF A CRIMINAL COMPLAINT**

I, Kristin B. Joseph, being first duly sworn state:

2:16MJ310

1. I am a Special Agent of the Department of Homeland Security, Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), currently assigned to the Office of the Assistant Special Agent in Charge (ASAC), Norfolk, Virginia. I have been so employed since August 2005. As part of my daily duties as an HSI agent, I investigate criminal violations relating to child exploitation and child pornography¹ including violations pertaining to the illegal production, distribution, receipt, and possession of child pornography, in violation of 18 U.S.C. §§ 2251, 2252 and 2252A. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256(8)) in all forms of media including computer media.

2. Your affiant has assisted in the investigation of the offenses described in this affidavit. As a result of your affiant's participation in this investigation and a review of reports made by other law enforcement officers, your affiant is familiar with the circumstances of this on-going investigation. I have not included each and every fact known to me in this affidavit, but only the facts I believe are necessary to establish probable cause to believe JOSEPH DOWNING BARNES, JR. (also known as JUNIOR BARNES) has engaged in the crimes of distribution, receipt, and possession of child pornography, in violation of 18 U.S.C. §§ 2252(a)(2) and (a)(4)(B).

LEGAL AUTHORITY

3. 18 U.S.C. § 2252(a)(2) provides that any person who knowingly receives, or distributes, any visual depiction using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or affecting interstate or foreign commerce, or which contains materials which have been mailed or so shipped or transported, by any means including by computer, or knowingly reproduces any visual depiction for distribution using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or through the mails, if (A) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and (B) such visual depiction is of such conduct, shall be punished.

4. 18 U.S.C. § 2252(a)(4)(B) prohibits a person from knowingly possessing, or knowingly accessing with intent to view, one or more books, magazines, periodicals, films, or

¹ "Child Pornography means any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where – (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; . . . [or] (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct." For conduct occurring after April 30, 2003, the definition also includes "(B) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct." 18 U.S.C. § 2256(8).

other materials which contain visual depictions of minors engaged in sexually explicit conduct that have been mailed, shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, or which was produced using materials which have been mailed, shipped or transported, by any means including by computer.

KIK

5. According to the website <http://KIK.com/about>, KIK advertises itself as “the first smartphone messenger with a built-in browser.” KIK Messenger allows its users to “talk to your friends and browse and share any web site with your friends on KIK.” KIK believes it is at the forefront of the “new era of the mobile web.” KIK was founded in 2009 by a group of University of Waterloo students who started a company designed to “shift the center of computing from the PC to the phone.” KIK Messenger, a free service easily downloaded from the Internet, has become the simplest, fastest, most life-like chat experience you can get on a smartphone. Unlike other messengers, KIK usernames - not phone numbers - are the basis for KIK user accounts, so KIK users are in complete control with whom they communicate. In addition, KIK features include more than instant messaging. KIK users can exchange images, videos, sketches, stickers and even more with mobile web pages

PROBABLE CAUSE TO ARREST JOSEPH DOWNING BARNES, JR. (AKA JUNIOR BARNES)

6. In October 2015, HSI Norfolk arrested an individual (hereinafter referred to as JC) for receipt, distribution, and possession of child pornography. JC was using the KIK application. Pursuant to his arrest, JC was interviewed and admitted to receiving and distributing child pornography images with multiple other users on KIK. JC furthermore gave HSI Norfolk consent to search his cell phone. The forensic examination of JC’s cell phone revealed he regularly traded child pornography with other users on KIK. One such user JC traded with was the username “[REDACTED].”

7. On July 9, 2015, the following chat occurred between JC and “[REDACTED]” on KIK:

JC: Is this Junior?

[REDACTED]: Yes

8. On September 17, 2015, the following chat occurred between JC and “[REDACTED]” on KIK:

JC: send me a selfie

[REDACTED]: Wanna see something better

JC: send what u got

JC: hey
[REDACTED]: [sends a link to a video depicting a prepubescent male engaged in sexual activity to include oral and genital intercourse with an adult male]
[REDACTED]: click that and download
JC: fuck that's hot
JC: u got any more
[REDACTED]: its much easier
JC: [sends an image of a prepubescent male fully nude standing in a shower]
JC: easier for what
JC: [sends an image of a prepubescent male pulling down his underwear and exposing his penis]
[REDACTED]: sharing vids
JC: [sends an image of a prepubescent male fully nude exposing his penis to the camera]
JC: send me another boy vid
[REDACTED]: [sends a link to a video depicting two prepubescent males engaged in sexual activity with each other to include genital and anal intercourse]
[REDACTED]: send more pics
[REDACTED]: Ur best ones
JC: [sends an image of two prepubescent males engaged in oral to genital intercourse]
JC: [sends an image of two prepubescent males engaged in oral to genital intercourse]
[REDACTED]: Those ones are old I seen them before
JC: they're the most recent ones I have

9. On March 2, 2016, an administrative subpoena was issued to KIK for the subscriber and IP address connection logs for "[REDACTED]". KIK responded to the summons on or about March 3, 2016, and provided the following information for "[REDACTED]":

First Name: Muhfuckin
Last Name: Uuhhhhh!!!
E-mail: [REDACTED]@gmail.com
Username: [REDACTED]

10. Additionally, KIK provided connection logs for "[REDACTED]" from February 2, 2016 to March 3, 2016, which indicated that the majority of IP address connections for the account were from the IP address of 98.166.1.4.

11. A search of Facebook for "[REDACTED]" revealed a post made by BARNES on November 2, 2015. BARNES stated "follow me on ig and twitter @[REDACTED]". A review of BARNES' Facebook page showed that on February 17, 2016, he posted a comment saying "Looking for a roommate in Portsmouth found a place."

12. The Facebook page of BARNES depicted pictures of a white male with blonde hair.

13. Open source internet research for "[REDACTED]" also revealed that screen name was used on multiple other internet accounts such as:

a. Twitter: twitter is an online social networking service that enables users to send and read short 140 character messages called "tweets." Users can also post images to their Twitter account. The profile picture for the "[REDACTED]" Twitter account depicted a picture BARNES from the above described Facebook page.

b. Instagram: Instagram, also commonly called "IG," is a mobile social networking service which is used for photo and video sharing. The Instagram profile picture for "[REDACTED]" also depicted a picture of BARNES.

c. okcupid.com: okcupid.com, also sometimes referred to as OKC, is a free online dating service. The profile for "[REDACTED]" depicted a picture of BARNES and stated that he was a 25 year old from Virginia Beach, Virginia.

d. mbuzzy: mbuzzy.com is a website used for social networking. The profile for "[REDACTED]" depicted a picture of BARNES and stated that he was a 25 year old from Indian River Estates, Virginia.

e. Tumblr: Tumblr is a social networking site that allows members to post pictures, stories, and other activities. The profile picture for "[REDACTED]" on Tumblr depicted a picture of BARNES. Under his profile picture he stated

“wassup this blog is mainly about dudes with thick asses, dick2dick, spy jerking, bulges, and gay cartoon porn, kik [REDACTED].”

f. Chaturbate.com is a popular web-cam site where users can live stream erotic and pornographic performances. The site’s slogan states “The act of masturbating while chatting online.” The profile for “[REDACTED]” lists a birth date of November 21, 1990 and a location of Virginia.

14. After determining through a publicly available database that the IP address reported by KIK, 98.166.1.4, belonged to Cox communications, HSI served Cox Communications with an administrative subpoena, and Cox responded on April 8, 2016. The response indicated that the IP address 98.166.1.4 was assigned to the below subscriber account on March 3, 2016:

[REDACTED]
[REDACTED]
Portsmouth, Virginia 23704

15. A search in a law enforcement database for [REDACTED] Portsmouth, VA 23704 revealed a December 2014 police incident report involving a JOSEPH DOWNING BARNES, JR. (DOB: [REDACTED] 1990, SSN [REDACTED] This report states that BARNES was questioned by a Portsmouth, VA Police Officer and provided the address of [REDACTED], Portsmouth, VA 23704.

16. On May 4, 2016, an HSI Special Agent using an undercover KIK account searched for the username “[REDACTED]” on KIK. The profile that appeared for “[REDACTED]” listed a name as “Muhfuckin Uuhhhhh!!!” and a profile picture depicting JOSEPH DOWNING BARNES, JR.

17. A check with the Department of Motor Vehicles (DMV) for JOSEPH DOWNING BARNES, JR. (DOB: [REDACTED] 1990, SSN 2[REDACTED] indicated that he has a suspended license and lists an address of [REDACTED] Portsmouth, Virginia 23704. The DMV records also indicated that BARNES’ full name is Joseph Downing BARNES Jr. The DMV record indicated that BARNES changed his address to [REDACTED], Portsmouth, Virginia 23704 on January 9, 2016 and his prior address was previously listed as being in Suffolk, VA.

18. On May 5, 2016, the DMV provided a picture of Joseph Downing BARNES Jr. associated with the above driver’s license and it is the same individual depicted as Junior BARNES in the above mentioned social media and internet profiles for “[REDACTED],” to include the KIK profile picture of “[REDACTED].”

20. On May 14, 2016, BARNES posted a comment on his Facebook page stating “being homeless sucks.”

21. On May 25, 2016, your Affiant applied for and was authorized a search warrant for the Google, Inc. (Gmail) e-mail address [REDACTED]@gmail.com, which was issued to

Google, Inc. via their Law Enforcement portal. Due to the amount of data, Google, Inc. responded to the search warrant in two parts, one part was returned on June 14, 2016, and one part was returned on June 20, 2016. Google, Inc. returned all the content of the [REDACTED]@gmail.com account to include e-mails, chats, Google Drive content, as well as IP connectivity logs.

22. Within the Google Drive content of the account were approximately 9 videos of child pornography. Examples of two such videos are described below:

1. A video entitled "Boy Compilation.avi" – is 33:17 in length and depicts a series of clips of prepubescent males self-masturbating. There are also clips of adult males performing oral to genital stimulation on prepubescent juvenile males.
2. a video entitled "20 (1).mp4" – is 3:47 in length and depicts a close up of the genitals of a prepubescent male approximately 5 years old being anally penetrated by an adult male hand and erect penis.

23. In addition, within the Google Drive folder were multiple images and videos of JOSEPH DOWNING BARNES, Jr.

24. A review of the e-mails from the [REDACTED]@gmail.com account revealed numerous e-mails in which BARNES sent and received videos of child pornography.

25. On October 1, 2015, [REDACTED]@gmail.com sent an e-mail to "[REDACTED]@gmail.com which contained two vides of child pornography.

1. A video entitled "-X_5yo_Anal_sleeping..3pg" depicts a prepubescent female being anally penetrated by an adult male erect penis.
2. A video entitled "(1) Feb 24, 2012 7-46am.mp4" depicts two prepubescent males engaging in oral to genital stimulation.

26. On April 10, 2015, [REDACTED]@gmail.com received an e-mail from [REDACTED]@yahoo.com which contained 2 videos of child pornography.

1. A video entitled "(MB) piscine.wmv" depicts a prepubescent male self-masturbating and then performs oral to genital stimulation on an adult male.
2. A video entitled "(bibcam) New homemade little boy 8-9yo.AVI" depicts a close up of a prepubescent male's genitals and then shows him being manually stimulated by an adult hand.

27. Google, Inc. also provided IP connectivity logs for the e-mail account [REDACTED]@gmail.com which indicated that between May 16, 2016 and May 25, 2016, the account was accessed from the IP address of 68.13.202.20.

28. After determining through a publically available database that the IP address 68.13.202.20 belonged to Cox Communications, HSI Issued Cox an administrative subpoena for subscriber information.

29. On July 21, 2016, Cox responded that the IP address 68.13.202.20 was assigned to the following subscriber account from April 19, 2016 to June 2, 2016:

Name: [REDACTED]
Address: [REDACTED], Williamsburg, VA 23188
E-mail: [REDACTED]@gmail.com

30. A review of BARNES' Facebook page revealed that on May 22, 2016 BARNES posted a picture of food with the caption "[REDACTED] made this amazing dinner."

31. Based on the information and evidence set forth above, your affiant respectfully submits that there is probable cause to believe that JOSEPH DOWNING BARNES, JR. (AKA JUNIOR BARNES) has committed the following offenses: **Count One:** On or about September 17, 2015, in the Eastern District of Virginia, JOSEPH DOWNING BARNES, JR. (AKA JUNIOR BARNES) knowingly distributed visual depictions of minors engaging in sexually explicit conduct, using a means or facility of interstate or foreign commerce or that has been mailed, shipped or transported in or affecting interstate or foreign commerce, or which contains materials which have been mailed, shipped or transported, by any means including by computer, in violation of 18 U.S.C. § 2252(a)(2); **Count Two:** On or about October 1, 2015, in the Eastern District of Virginia, JOSEPH DOWNING BARNES, JR. (AKA JUNIOR BARNES) knowingly distributed visual depictions of minors engaging in sexually explicit conduct, using a means or facility of interstate or foreign commerce or that has been mailed, shipped or transported in or affecting interstate or foreign commerce, or which contains materials which have been mailed, shipped or transported, by any means including by computer, in violation of 18 U.S.C. § 2252(a)(2); **Count Three:** On or about September 17, 2015, in the Eastern District of Virginia, JOSEPH DOWNING BARNES, JR. (AKA JUNIOR BARNES) knowingly received visual depictions of minors engaging in sexually explicit conduct, using a means or facility of interstate or foreign commerce or that has been mailed, shipped or transported in or affecting interstate or foreign commerce, or which contains materials which have been mailed, shipped or transported, by any means including by computer, in violation of 18 U.S.C. § 2252(a)(2); **Count Four:** On or about April 10, 2015, in the Eastern District of Virginia, JOSEPH DOWNING BARNES, JR. (AKA JUNIOR BARNES) knowingly received visual depictions of minors engaging in sexually explicit conduct, using a means or facility of interstate or foreign commerce or that has been mailed, shipped or transported in or affecting interstate or foreign commerce, or which contains materials which have been mailed, shipped or transported, by any means including by computer, in violation of 18 U.S.C. § 2252(a)(2); and **Count Five:** On or about September 17, October 1, and April 10, 2015, in the Eastern District of Virginia, JOSEPH DOWNING BARNES, JR.

(AKA JUNIOR BARNES) knowingly possessed material which contained visual depictions of minors engaged in sexually explicit conduct that have been mailed, shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, or which was produced using materials which have been mailed, shipped or transported, by any means including by computer, in violation of 18 U.S.C. § 2252(a)(4)(B).

32. Accordingly, I request that a warrant be issued authorizing the arrest of JOSEPH DOWNING BARNES, JR. (AKA JUNIOR BARNES).

Kristin B. Joseph
Special Agent
Department of Homeland Security
Homeland Security Investigations
Norfolk, VA

Sworn to before me this _____ day of July, 2016.

United States Magistrate Judge
Eastern District of Virginia